

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Email: kevin.barry@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No. 12-mj-70647 MAG
Plaintiff,)
v.)
JAY SALVADOR HERNANDEZ,)
Defendant.)

) **STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set October 25, 2012, as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to move the preliminary hearing or arraignment date to

December 5, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution, to produce and to receive discovery, and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective

1 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties
2 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the
3 date of this Order through December 5, 2012. The parties also agree that the ends of justice
4 served by granting such an exclusion of time outweigh the best interests of the public and the
5 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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7 SO STIPULATED:

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MELINDA HAAG
United States Attorney

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DATED: October 24, 2012

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/s/
KEVIN J. BARRY
Assistant United States Attorney

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DATED: October 24, 2012

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/s/
HARRIS TABACK
Attorney for JAY HERNANDEZ

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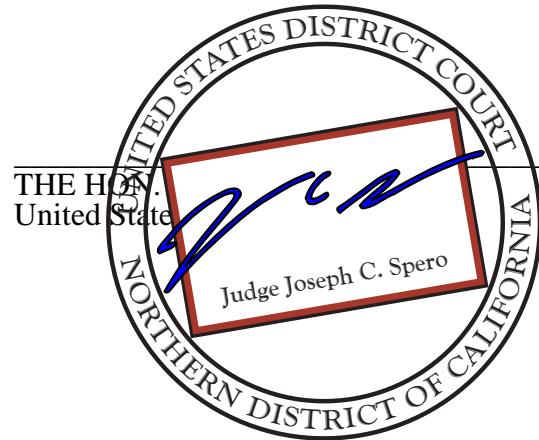
[PROPOSED] ORDER

For the reasons stated above, the Court sets December 5, 2012, as the date for the arraignment or preliminary hearing. The Court finds that extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through December 5, 2012, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and continuity of

1 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
2 justice. 18 U.S.C. §3161(h)(7)(B)(iv).

3 IT IS SO ORDERED.
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5 DATED: 10/25/12



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